

REMARKS

By this Amendment, Applicants amend the specification to correct an informality. Applicants also amend claims 3-5, 7-9, 12, 13, and 16, and cancel claims 1, 2, 6, 10, 11, 14, and 15, without any prejudice or disclaimer of the subject matter thereof. Claims 3-5, 7-9, 12, 13, and 16 remain currently pending.

In the Office Action, the Examiner objected to the specification as containing an informality; objected to claims 2 and 3 under 37 C.F.R. § 1.75 as being a substantial duplicate of claim 1; objected to claim 16 under 37 C.F.R. § 1.75 as being a substantial duplicate of claim 15; rejected claims 4 and 6 under 35 U.S.C. § 112, second paragraph, as being indefinite; rejected claims 1-6 and 9-16 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,876,981 to Berckmans ("Berckmans");¹ rejected claims 7 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Berckmans in view of Wesley Iverson, Stock trading goes wireless, Financial Services Online, November 1998 ("Iverson"); and rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Berckmans in view of Iverson.²

Applicants thank the Examiner for conducting an in-person interview with the Applicants' undersigned representative to discuss possible claim amendments and the Examiner's cited references.

¹ However, the Examiner did not list reasons for rejection of claim 14 under 35 U.S.C. § 102, instead, the Examiner indicated in item 14 of the Office Action that "claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Berckmans in view of Iverson." (Office Action at 7.)

² The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Regarding the objection to the specification

Applicants respectfully traverse the Examiner's objection to the specification as containing an informality. However, to expedite the prosecution of this application, Applicants have amended the specification to include "a certain number of yen" for ensuring more appropriate language in the section of Background Art of Invention. Accordingly, Applicants respectfully request withdrawal of the objection to the specification.

Regarding the claim objections

Applicants respectfully traverse the Examiner's objection to claims 2 and 3 under 37 C.F.R. § 1.75 as being a substantial duplicate of claim 1 and to claim 16 under 37 C.F.R. § 1.75 as being a substantial duplicate of claim 15. However, to expedite the prosecution of this application, Applicants have canceled claims 1, 2, and 15. The Examiner's objections are therefore moot.

Regarding the rejection under 35 U.S.C. § 112

Applicants respectfully traverse the Examiner's rejection of claims 4 and 6 under 35 U.S.C. § 112, second paragraph, as being indefinite. Because claim 6 has been canceled, the Section 112 rejection of claim 6 is moot.

Claim 4 depends from claim 3. The Examiner alleges that "[c]laim 4 is indefinite because it states 'stock price of said name.' It is unclear what stock price of said name means." (Office Action at 3.) Applicants respectfully disagree. However, to expedite the prosecution of the present application, Applicants has amended claim 3 to recite "a technical index and a stock price trend of a name" to ensure more sufficient antecedent

basis. Accordingly, Applicants respectfully request withdrawal of the Section 112 rejection of claim 4.

Regarding the rejection under 35 U.S.C. § 102(a)

Applicants respectfully traverse the Examiner's rejection of claims 1-6 and 9-16 under 35 U.S.C. § 102(a) as being anticipated by Berckmans. As a result of claim cancellations, this rejection is moot as to claims 1, 2, 6, 10, 11, and 15. In order to qualify as a Section 102(a) reference, the invention recited in the reference should be patented before Applicants' invention in the present application. However, because the present application was accorded a filing date of May 28, 2002, and Berckmans was issued on April 5, 2005, Berckmans does not qualify as a Section 102(a) reference.

However, it appears Berckmans may qualify as prior art under Section 102(e). Assuming, arguendo, this is correct, and to advance prosecution, Applicants assert that Berckmans fails to anticipate Applicants' invention recited in claims 3-5, 9, 12, 13, and 16. In order to anticipate Applicants' claimed invention under 35 U.S.C. § 102, each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Further, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, quoting Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 3, as amended, recites a combination including, for example, "a condition input step of inputting one or more conditions of a technical index and a stock price trend of a name to be notified to a customer, [and] a condition detection step of detecting by a condition detection server whether said stock price updated by said

stock price update step satisfies said one or more conditions input by said condition input step or not.” Berckmans fails to disclose at least these features of amended claim 3.

Berckmans discloses that “[t]he investment server 210 accesses client accounts and determines which clients 112 must be informed of the new data received from the real-time server 200. The investment server 210 then broadcasts the new data only to those clients interested in the data.” Berckmans, column 4, lines 58-64, emphasis added. However, Berckmans’ teaching of determining a subset of clients does not constitute “a condition detection step of detecting by a condition detection server whether said stock price updated by said stock price update step satisfies said one or more conditions input by said condition input step or not,” as recited in amended claim 3 (emphasis added).

The Examiner alleges that “Berckmans teaches a step of inputting on[e] or more conditions concerning stock prices to be notified to a customer. (Column 4 lines 1-8).” (Office Action at 4.) Applicants respectfully disagree. In the cited section, Berckmans explicitly states that “the information also contain meta-data, derivative data, or any number of trading tallies, such as opening and closing prices, changes in trading price and volume, available options, daily high and low figures, etc.” Berckmans, column 4, lines 2-5, emphasis added. However, mere information, by itself, does not constitute “a condition input step of inputting one or more conditions of a technical index and a stock price trend of a name to be notified to a customer,” as recited by amended claim 3 (emphasis added).

The Examiner alleges that “Berckmans teaches a condition step of detecting whether a stock price satisfies one or more conditions. (Column 4 lines 10-16).” (Office Action at 4.) Applicants respectfully disagree. In the cited section, Berckmans explicitly states that “[f]inancial data processed by the computing center 108 is cross referenced with client accounts, and is sent to the clients 112 over the network 114 according to the account details.” Berckmans, column 4, lines 12-15. However, a mere mentioning of financial data processing and cross referencing do not constitute “a condition detection step of detecting by a condition detection server whether said stock price updated by said stock price update step satisfies said one or more conditions input by said condition input step or not,” as recited in amended claim 3 (emphasis added).

Therefore, Berckmans fails to disclose each and every element of amended claim 3. Berckmans thus cannot anticipate amended claim 3 under 35 U.S.C. § 102. Accordingly, Applicants respectfully request withdrawal of the Section 102(a) rejection of amended claim 3. Because claims 4, 5, and 9 depend from claim 3, Applicants also request withdrawal of the Section 102(a) rejection of claims 4, 5, and 9 for at least the same reasons stated above.

Further, amended independent claim 16, while of different scope, includes similar recitations to those of amended claim 3. Amended claim 16 is therefore also allowable for at least the same reasons stated above with respect to amended claim 3. Applicants also respectfully request withdrawal of the Section 102(a) rejection of amended claim 16.

Independent claim 12, as amended, recites a combination including, for example, “wherein an address of a home page of a predetermined form of stock buying and

selling is displayed in contents of said received electronic mail and when said address is clicked, a predetermined name with said one or more conditions input is input and displayed on said predetermined form.” Berckmans fails to disclose at least these features of amended claim 12.

The Examiner alleges that “Berckmans does not teach a stock buying and selling form. Iverson does suggest a link to a stock buying and selling form: ‘The system allows inventors to . . . manage their portfolios, and place trades . . .’ (page 24).” (Office Action at 7, emphasis added.) Applicants respectfully disagree. A mere mention of an on-line brokerage service in Iverson for allowing “inventors to . . . manage their portfolios, and place trades” does not constitute “wherein an address of a home page of a predetermined form of stock buying and selling is displayed in contents of said received electronic mail and when said address is clicked, a predetermined name with said one or more conditions input is input and displayed on said predetermined form,” as recited in amended claim 12 (emphasis added).

Therefore, amended claim 12 is allowable over Berckmans and Iverson. Accordingly, Applicants respectfully request withdrawal of the Section 102(a) rejection of amended claim 12.

Regarding the rejection under 35 U.S.C. § 103(a)

Applicants respectfully traverse the Examiner’s rejection of claims 7, 8, and 14 under 35 U.S.C. § 103(a) as being unpatentable over Berckmans in view of Iverson, because a *prima facie* case of obviousness has not been established. Since claim 14 has been canceled, the Section 103(a) rejection of claim 14 is therefore moot. Claims 7 and 8 depend from claim 3.

In order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103, three basic criteria must be met. First, the prior art reference (or references when combined) must teach or suggest all the claim elements. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Third, there must be a reasonable expectation of success. See M.P.E.P. § 2143.

As set forth above, Berckmans fails to teach or suggest at least “a condition input step of inputting one or more conditions of a technical index and a stock price trend of a name to be notified to a customer, [and] a condition detection step of detecting by a condition detection server whether said stock price updated by said stock price update step satisfies said one or more conditions input by said condition input step or not,” as recited in amended claim 3 and required by claims 7 and 8 (emphasis added).

Iverson fails to cure the deficiencies of Berckmans. Iverson mentions that “[c]onsumers using laptop personal computers with wireless modems can already connect to Web-based brokerages for trading, of course. But the latest technology brings a similar capability to much smaller, hand-held devices – including ‘smart’ cellular telephones.” Iverson at 22. However, a mere mention of online brokerages does not constitute the above listed claim elements as recited in amended claim 3 and required by claims 7 and 8.

In addition, as explained previously, Berckmans in view of Iverson fail to teach or suggest “wherein in said electronic mail notified by said notification step, an address of a home page linked to a current market is mentioned,” as recited in claim 7 and

"wherein in said electronic mail notified by said notification step, an address of a home page linked to a certification screen to a stock buying and selling form is mentioned," as recited in claim 8 (emphasis added).

Therefore, neither Berckmans nor Iverson, taken alone or in any reasonable combination, teaches or suggests all elements required by claims 7 and 8. A *prima facie* case of obviousness has not been established. Accordingly, Applicants respectfully request withdrawal of the Section 103(a) rejection of claims 7 and 8.

Conclusion

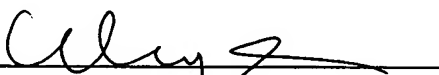
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: March 16, 2007

By: 
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